

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 337

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO CHILDREN; ENACTING THE PRE-KINDERGARTEN ACT;  
PROVIDING FOR VOLUNTARY PARTICIPATION IN PRE-KINDERGARTEN  
PROGRAMS; PROVIDING FOR REQUESTS FOR PROPOSALS; CREATING FUNDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Children's Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
"Pre-Kindergarten Act"."

Section 2. A new section of the Children's Code is  
enacted to read:

"[NEW MATERIAL] FINDINGS AND PURPOSE.--The legislature  
finds that:

A. special needs are present among the state's  
population of four-year-old children and those needs warrant

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1 the provision of pre-kindergarten programs;

2 B. participation in quality pre-kindergarten has a  
3 positive effect on children's intellectual, emotional, social  
4 and physical development; and

5 C. pre-kindergarten will advance governmental  
6 interests and childhood development and readiness."

7 Section 3. A new section of the Children's Code is  
8 enacted to read:

9 "[NEW MATERIAL] DEFINITIONS.--As used in the Pre-  
10 Kindergarten Act:

11 A. "community" means an area defined by school  
12 district boundaries, tribal boundaries or joint boundaries of a  
13 school district and tribe or any combination of school  
14 districts and tribes;

15 B. "departments" means the children, youth and  
16 families department and the public education department acting  
17 jointly;

18 C. "early childhood development specialist" means  
19 the adult responsible for working directly with four-year-old  
20 children in implementing pre-kindergarten services;

21 D. "eligible provider" means a person licensed by  
22 the children, youth and families department that provides early  
23 childhood developmental readiness services or preschool special  
24 education, or is a public school, tribal program or head start  
25 program;

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1           E. "pre-kindergarten" means a voluntary  
2 developmental readiness program for children who have attained  
3 their fourth birthday prior to September 1; and

4           F. "tribe" means an Indian nation, tribe or pueblo  
5 located in New Mexico."

6           Section 4. A new section of the Children's Code is  
7 enacted to read:

8           "[NEW MATERIAL] VOLUNTARY PRE-KINDERGARTEN--INTERAGENCY  
9 COOPERATION--CONTRACTS--CONTRACT MONITORING--RESEARCH.--

10           A. The children, youth and families department and  
11 the public education department shall cooperate in the  
12 development and implementation of a voluntary program for the  
13 provision of pre-kindergarten services throughout the state.  
14 The pre-kindergarten program shall address the total  
15 developmental needs of preschool children, including physical,  
16 cognitive, social and emotional needs, and shall include health  
17 care, nutrition, safety and multicultural sensitivity.

18           B. The departments shall collaborate on  
19 promulgating rules on pre-kindergarten services, including  
20 state policies and standards and shall review the process for  
21 contract awards and for the expenditure and use of contract  
22 funds.

23           C. The departments shall monitor pre-kindergarten  
24 contracts to ensure the effectiveness of child-centered,  
25 developmentally appropriate practices and outcomes. The

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1 departments shall assign staff to work on the development and  
2 implementation of the program and on the monitoring of contract  
3 awards. The early childhood training and technical assistance  
4 programs of the children, youth and families department and  
5 assigned staff from the public education department staff shall  
6 provide technical assistance to eligible providers.

7 D. The departments shall provide an annual report  
8 to the governor and the legislature on the progress of the  
9 state's voluntary pre-kindergarten program."

10 Section 5. A new section of the Children's Code is  
11 enacted to read:

12 "[NEW MATERIAL] PRE-KINDERGARTEN--ELIGIBILITY.--Pre-  
13 kindergarten services may be provided by public schools or  
14 eligible providers on a per-child reimbursement rate in  
15 communities with the highest percentage of public elementary  
16 schools that are designated as Title 1 schools and that serve  
17 the highest percentage of public elementary students who are  
18 not meeting the proficiency component required for calculating  
19 adequate yearly progress."

20 Section 6. A new section of the Children's Code is  
21 enacted to read:

22 "[NEW MATERIAL] REQUESTS FOR PROPOSALS--CONTRACTS FOR  
23 SERVICES.--

24 A. Each department shall publish a request for  
25 proposals for pre-kindergarten services.

1           B. Eligible providers shall submit proposals for  
2 pre-kindergarten services to the each department. An eligible  
3 provider proposal shall include a description of the services  
4 that will be provided, including:

5                   (1) how those services meet children, youth  
6 and families department standards;

7                   (2) the number of four-year-old children the  
8 eligible provider can serve;

9                   (3) site and floor plans and a description of  
10 the facilities;

11                   (4) revenue sources and amounts other than  
12 state funding available for the pre-kindergarten program;

13                   (5) a description of the qualifications and  
14 experience of the early childhood development staff for each  
15 site;

16                   (6) the plan for communicating with and  
17 involving parents in the pre-kindergarten program;

18                   (7) how those services meet the continuum of  
19 services to children; and

20                   (8) other relevant information requested by  
21 the departments.

22           C. The public education department shall accept and  
23 evaluate proposals from school districts for funding for pre-  
24 kindergarten. The children, youth and families department  
25 shall accept and evaluate proposals from other eligible

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1 providers.

2 D. For funding purposes, proposals shall be  
3 evaluated on the percentage and number of public elementary  
4 schools in the community that are not meeting the proficiency  
5 component required for calculating adequate yearly progress and  
6 that are serving children, at least sixty-six percent of whom  
7 live within the attendance zone of a Title 1 elementary school.  
8 Additional funding criteria include:

9 (1) the number of four-year-olds residing in  
10 the community and the number of four-year-olds proposed to be  
11 served;

12 (2) the adequacy and capacity of pre-  
13 kindergarten facilities in the community;

14 (3) language and literacy services in the  
15 community;

16 (4) the cultural, historic and linguistic  
17 responsiveness to the community;

18 (5) parent education services available for  
19 parents of four-year-olds in the community;

20 (6) the qualifications of eligible providers  
21 in the community;

22 (7) staff professional development plans;

23 (8) the capacity of local organizations and  
24 persons interested in and involved in programs and services for  
25 four-year-olds and their commitment to work together;

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1 (9) the extent of local support for pre-  
2 kindergarten services in the community; and

3 (10) other relevant criteria specified by  
4 joint rule of the departments.

5 E. A contract with an eligible provider shall  
6 specify and ensure that funds shall not be used for any  
7 religious, sectarian or denominational purposes, instruction or  
8 material."

9 Section 7. A new section of the Children's Code is  
10 enacted to read:

11 "[NEW MATERIAL] PROGRAM FUNDING.--The children, youth and  
12 families department shall reimburse eligible providers that are  
13 not offered in a public school. The public education  
14 department shall reimburse eligible providers that are public  
15 school programs."

16 Section 8. A new section of the Children's Code is  
17 enacted to read:

18 "[NEW MATERIAL] FUNDS CREATED--ADMINISTRATION.--

19 A. The "public pre-kindergarten fund" is created as  
20 a nonreverting fund in the state treasury. The fund shall  
21 consist of appropriations, income from investment of the fund,  
22 gifts, grants and donations. The fund shall be administered by  
23 the public education department, and money in the fund is  
24 appropriated to the department to carry out the provisions of  
25 the Pre-Kindergarten Act. Disbursements from the fund shall be

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1 by warrant of the secretary of finance and administration upon  
2 vouchers signed by the secretary of public education or the  
3 secretary's authorized representative. The department may use  
4 up to ten percent of the money in the fund each year for  
5 administrative expenses.

6 B. The "children, youth and families pre-  
7 kindergarten fund" is created as a nonreverting fund in the  
8 state treasury. The fund shall consist of appropriations,  
9 income from investment of the fund, gifts, grants and  
10 donations. The fund shall be administered by the children,  
11 youth and families department, and money in the fund is  
12 appropriated to the department to carry out the provisions of  
13 the Pre-Kindergarten Act. Disbursements from the fund shall be  
14 by warrant of the secretary of finance and administration upon  
15 vouchers signed by the secretary of children, youth and  
16 families or the secretary's authorized representative. The  
17 department may use up to ten percent of the money in the fund  
18 each year for administrative expenses."

19 Section 9. TEMPORARY PROVISION--APPROPRIATIONS.--Any  
20 money appropriated for pre-kindergarten programs in fiscal  
21 years 2005 through 2007 shall be divided equally between the  
22 public education department and the children, youth and  
23 families department.